



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

OFFICE OF THE
REGIONAL ADMINISTRATOR

Russell Begaye
President, Navajo Nation
Post Office Box 7440
Window Rock, AZ 86515

Re: Navajo Abandoned Uranium Mines

Dear President Begaye:

Thank you for your November 13, 2017 letter regarding the funding of and proposed projects for the Tronox Navajo Abandoned Uranium Mines (AUMs).

We support your request for an annual government-to-government consultation to discuss the Tronox settlement funds. This will complement the existing funding process that involves the Navajo Nation and other stakeholders, which was established in 2015 at the inception of the settlement and has proven to be an effective method of involving all interested stakeholders in Tronox funding decisions. EPA will continue to meet regularly with the Navajo Nation's Superfund- and Abandoned Mine Lands Program representatives as part of our ongoing effort to keep the Nation informed and engaged on the cleanup of the mine sites. We also look forward to meeting with the newly formed Dine Uranium Remediation Advisory Commission. This is indeed a growing project and sustaining a robust relationship will be critical to its success.

You requested that the Program Management Plans for both the EPA and the Navajo AUM teams be suspended. EPA pursued developing these plans to respond to the Nation's interest in ensuring transparency and effective financial management of the Tronox settlement funds. We agreed to a third-party evaluation of funds management and program development. The stakeholder group, which includes Navajo Nation representatives, supported funding the plans. We obligated contractor funding last year and we expect delivery of a draft EPA plan this month. However, we will pause additional funding obligations until we have an opportunity to discuss the plans with you.

You raised concerns about using Tronox settlement funds for projects not on the Navajo reservation. While one purpose of the Tronox settlement was to address contamination from past mining and processing within the Navajo Nation, the settlement authorizes expenditure of settlement funds on specified mines beyond the reservation. The fundamental question is one of prioritization, and thus, we remain committed to gathering the data needed to evaluate and prioritize all of the sites identified in the Tronox settlement.

EPA is using previously approved funding to study the San Mateo Creek Basin, where you note the groundwater issues deserve attention. EPA is evaluating the San Mateo Creek Basin for potential inclusion on the National Priorities List, and to this end, EPA sent a letter to the State of

New Mexico requesting concurrence. EPA will extend an invitation to the Navajo Nation to conduct government-to-government consultation. The purpose of this consultation will be to provide information regarding the proposed listing and to respond to Navajo concerns.

With regard to the Ambrosia Lake Mines, EPA Region 6 has agreed to organize a site visit and meeting to go over the field investigations performed to date and the cleanup alternatives that are being considered. EPA Region 6 will coordinate this meeting with Navajo Nation EPA and EPA Region 9 in January 2018. Regarding the forthcoming Engineering Evaluation/Cost Analyses (EE/CAs) for the Ambrosia Lake Mines, EPA will share these draft EE/CA materials with you prior to identification of a preferred alternative, as we intend to do for all of the sites covered under the Tronox settlement.

EPA is committed to providing consultation and information-gathering with the Navajo Nation prior to making decisions that require a substantial commitment of Tronox funds, consistent with the goal we share to promptly address the Tronox Navajo AUMs. We look forward to continuing to work with your office, the Navajo Nation EPA, the Navajo Nation Abandoned Mine Lands Program and the Dine Uranium Remediation Advisory Commission.

Please feel free to call me or Enrique Manzanilla regarding this matter. I have asked Chip Poalinelli, our project manager responsible for coordination of EPA's Tronox work, to work with your staff to set up the meetings you have requested.

Sincerely yours,


Alexis Strauss 18 Dec. 2017
Acting Regional Administrator

Enclosure

cc: Sam Coleman, Region 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

NOV 16 2017

Mr. Butch Tongate
Cabinet Secretary
New Mexico Environment Department
Office of the Secretary
1190 Saint Francis Drive
Santa Fe, New Mexico 87505

Dear Secretary Tongate:

The United States Environmental Protection Agency (EPA) is considering proposing the San Mateo Creek Basin Uranium Legacy Site, Cibola and McKinley counties, New Mexico on the Superfund National Priorities List (NPL), pursuant to its authority under Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. Section 9605. The NPL contains a list of priority sites with releases of hazardous substances, pollutants or contaminants that require evaluation for possible remediation. It is EPA's policy to determine the state's position on sites that EPA is considering placing on the NPL. With this letter, EPA is seeking the concurrence of the State of New Mexico on adding the San Mateo Creek Basin Uranium Legacy Site to the NPL.

The site includes the release of hazardous substances from legacy uranium mines within the San Mateo Creek Basin to the alluvial groundwater. This basin is located within the Grants Mining District, which is an area of uranium mineralization occurrence approximately 100 miles long and 25 miles wide. The San Mateo Creek Basin comprises approximately 321 square miles within the Rio San Jose drainage basin in McKinley and Cibola Counties. There are numerous legacy uranium mines with recorded production within the San Mateo Creek Basin. Many of these legacy mines operated as wet mines where the underground workings were dewatered and the collected mine water was discharged (untreated and treated) to nearby surface drainage features, including San Mateo Creek and Arroyo del Puerto. The mine discharge water from twenty-six of these wet mines are the identified as contributing to the release of hazardous substances. The mine discharge water infiltrated into the soils and sediment and significantly re-saturated portions of the alluvium and underlying bedrock aquifers throughout the basin. These operations have contributed to degradation of the groundwater quality within the basin.

The site is scheduled to be proposed to the NPL in March 2018, based on evidence that hazardous substances have impacted private drinking water wells and threaten to impact public water supplies within the district. Privately-owned drinking water wells have exceedances of New Mexico Water Quality Control Commission ground water standards and/or the EPA National Primary and Secondary Drinking Water Standard Maximum Contaminant Levels for total uranium, and gross alpha radiation levels. Due to the site complexity, nature of the groundwater, and number of potential sources, listing is needed as a comprehensive framework to address the groundwater contamination and as a mechanism to compel the Potentially Responsible Parties to participate in site remediation.

The EPA is committed to working cooperatively with the State and local community throughout the listing and subsequent Superfund cleanup process, and to ensure that the Agency's actions are conducted in an open and transparent manner. The EPA will aggressively pursue "enforcement first" throughout the Superfund cleanup process at this site. This policy promotes the "polluter pays" principle and helps to conserve the resources of the Hazardous Substance Trust Fund (Fund) for the cleanup of those sites where viable responsible parties do not exist. The EPA believes at this time, that viable responsible parties may exist at this site. For a fund-financed remedial action prior to initiation of the remedial action, the EPA and the State will collaborate in the development of a superfund state contract to provide the state assurances required by CERCLA, including, for example, the State's statutory cost share for the remedial action and assumption of operation and maintenance responsibilities.

The EPA is requesting a written response to this letter from your Governor's office or from the State Environmental Agency by January 12, 2018. The EPA has set this date to allow adequate time to meet the proposed rule schedule. The response letter should indicate whether the state supports placement of the site on the NPL. If the State does not support listing, the State should describe the alternative approach to placement on the NPL that will ensure the identified priority site and associated release(s) will be addressed. The EPA will be sharing information with the community regarding the State's position, including posting the information on the internet. The EPA will also invite the New Mexico Environment Department to participate in any community meetings during the listing process.

We will continue to work closely with and seek input from the State as the listing process proceeds. We appreciate your consideration of this matter. If additional information is needed or you would like to meet to discuss this matter further, please contact me at (214) 665-6701, or have your staff call Brenda Nixon Cook, Region 6 NPL Coordinator, at (214) 665-7436.

Sincerely,



Carl Edlund, P.E.

Director

Superfund Division

CC via email:

Mr. Mark Garman, NMED
Mr. Kurt Vollbrecht, NMED
Ms. Michelle Hunter, NMED
Mr. Bruce Yurdin, NMED
Mr. J.C. Borrego, NMED
Ms. Terry Jeng, EPA-OSRTI